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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGEL LOPEZ, AND
ROCHLEM ERIC AQUINO YADAO

Defendants.

CASE NO. 1:20-CR-00241-NODJ- BAM

AMENDED STIPULATION TO CONTINUE
TRIAL; ORDER

DATE: March 26, 2024
TIME: 8:30 a.m.
COURT:

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. A jury trial was previously set for this matter for March 26, 2024.
2. By this stipulation, the government and defendants now move to continue the jury trial until August 20, 2024, and to exclude time between March 26, 2024, and August 20, 2024, under Local Code T4.
3. The parties further request that the matter be set for a trial confirmation hearing on July 22, 2024, and that the status date for February 6, 2024 be vacated.
4. By this stipulation, the parties now move to continue the jury trial until August 19, 2024, and to exclude time between March 26, 2024, and August 20, 2024, under 18 U.S.C. § 3161(h)(7)(A),

1 B(iv) [Local Code T4].

2 5. The parties agree and stipulate, and request that the Court find the following:

3 a) The government has represented that the discovery associated with this case
4 includes reports, photographs, and audio files. All of this discovery has been either produced
5 directly to counsel and/or made available for inspection and copying. Additionally, a plea
6 agreement has been provided to defendants.

7 b) Counsel for defendant desires additional time to further review discovery, discuss
8 potential resolution with her client and the government, and investigate and prepare for trial.

9 c) The parties have been working on potential resolutions and continue to do so.

10 d) Counsel for the government has a multiple month trial scheduled for end of April
11 2024, and believes this request for continuance for further plea negotiations, preparation, and due
12 to the complex nature and preparation of the April trial is necessary.

13 e) Counsel for defendant believes that failure to grant the above-requested
14 continuance would deny him/her the reasonable time necessary for effective preparation, taking
15 into account the exercise of due diligence.

16 f) The government does not object to the continuance.

17 g) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendant in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of March 26, 2024 to August 20,
22 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
23 T4] because it results from a continuance granted by the Court at the parties' request on the basis
24 of the Court's finding that the ends of justice served by taking such action outweigh the best
25 interest of the public and the defendants in a speedy trial.

26 i) The parties also agree that this continuance is necessary for several reasons,
27 including but not limited to, the need to permit time for the parties to exchange supplemental
28 discovery, engage in plea negotiations, and for the defense to continue its investigation and

preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 31, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

Dated: January 31, 2024

/s/ JAMES R. HOMOLA
JAMES R. HOMOLA
Counsel for Defendant
ANGEL LOPEZ

Dated: January 31, 2024

/s/ MELISSA BALOIAN
MELISSA BALOIAN
Counsel for Defendant
ROCHLEM ERIC AQUINO
YADAO

ORDER

IT IS SO ORDERED that the jury trial set for March 26, 2024, is vacated. The status conference set for February 6, 2024 is vacated. A jury trial is set for **August 20, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Estimate time of trial is **5 days**. A trial confirmation is set for **July 22, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Time is excluded through trial pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **February 5, 2024**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE